



STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR

PO BOX 2076
CONCORD, NH 03302-2076

IMPORTANT INFORMATION for EMPLOYERS of MINORS in the STATE of NEW HAMPSHIRE on FEDERAL and STATE CHILD LABOR LAWS

The United States Department of Labor and the New Hampshire Department of Labor enforce the provisions of the federal and state child labor laws in New Hampshire. This information reflects both federal and state law for the employment of minors in non-agricultural jobs. For further information, contact these offices:

**UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
2 WALL STREET
MANCHESTER, NH 03101**

**NEW HAMPSHIRE DEPARTMENT OF LABOR
PO BOX 2076
CONCORD, NH 03302-2076
TEL: (603) 271-2597 (voice mail)
TEL: (603) 271-1492 OR 271-6294**

NOTE: Effective March 1, 1991, civil money penalties for violation of the child labor provisions of the Federal Fair Labor Standards Act have been increased and may be assessed for as much as \$10,000 for each violation.

I. YOUTH EMPLOYMENT CERTIFICATES FOR MINORS UNDER THE AGE OF 16

Minors under the age of 16 employed in the State of New Hampshire must acquire a New Hampshire Youth Employment Certificate, within 3 business days of the first day of employment, from the Superintendent of Schools/Guidance Department/Principal's Office in the city or town where they attend school.

No youth 16 or 17 years of age shall be employed by an employer unless the employer maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.

STUDENT'S RESPONSIBILITIES:

1. Get Form, "Employer's Request for Child Labor" from the Office of the School Superintendent/Guidance Department/Principal's Office/New Hampshire Department of Labor, or employer.
2. Take this form to your prospective employer for his/her signature and description of proposed employment.
3. Take this completed form back to the Superintendent/Guidance Department/Principal's Office with proof of age (see Section II).
4. Superintendent/Guidance Department/Principal's Office will make decision to approve proposed employment based on: (1) legal employment; (2) Student's School Record; (3) the completed form,
5. Youth Employment Certificate is issued to student to obtain parent's or guardian's signature before presenting to employer.

SUPERINTENDENT'S/ PRINCIPAL'S/ GUIDANCE DEPARTMENT'S RESPONSIBILITIES:

1. Receive proof of age from student (see Section II).
2. Review employer's request to ensure minor's employment is permitted by these laws.
3. Review the minor's school record to ensure that the academic performance level established by the school district has been met.

4. If the above criteria have been met, provide the student with the Youth Employment Certificate, keeping necessary records for the school.
5. Provide documentation to the New Hampshire Department of Labor.

NOTE: The Youth Employment Certificate may be revoked if the minor fails to maintain a satisfactory level of academic performance. If revocation occurs, the student, parent and the State Department of Labor must be notified within 48 hours.

EMPLOYER'S RESPONSIBILITIES:

1. Complete "Employer's Request for Child Labor" form.
2. Maintain copy of Youth Employment Certificate on file.
3. Provide student with scheduled hours of work.

II. PROOF OF AGE

Proof of age must be verified with any of the following documents: a birth certificate, a passport, a baptismal certificate, an immigration record, or a religious or official record bearing the minor's age.

The employer must keep a record of the date of birth on file for all minors under the age of nineteen.

III. TIME AND HOUR RESTRICTIONS

It is important to know whether you are subject to both Federal/State laws or State laws only. If you have any question regarding which laws apply, please contact either Agency listed.

If subject to both Federal/State laws, fourteen and fifteen year-old minors may not be employed:

1. During school hours. (An exception is provided for minors employed pursuant to work experience and career exploration {WECEP} program.)
2. Before 7 AM or after 7 PM, except from June 1 through Labor Day, when evening hours are extended to 9 PM.
3. More than three hours per day, on school days.
4. More than eight hours per day, on non-school days.
5. More than 18 hours per week, in school weeks.
6. More than 40 hours per week, in non-school weeks.

If subject to State law only, 12, 13, 14 and 15-year old minors may not be employed:

1. During school hours.
2. Before 7AM or after 9PM.
3. More than 3 hours per day on school days.
4. More than 8 hours per day on non-school days.
5. More than 23 hours per week, in school weeks.
6. More than 48 hours per week, in non-school weeks.

Sixteen and seventeen year-old minors duly enrolled in school may not be employed:

1. More than 6 consecutive days, nor more than 30 hours per week during the school calendar week (Sunday through Saturday).
2. More than 6 consecutive days nor more than 48 hours per week during school vacation weeks or summer vacation (June 1 through Labor Day).

3. More than 10 hours per day in manufacturing, nor more than 10-1/4 hours per day in manual or mechanical labor, nor more than 8 hours per night, if working at night.

If you are 16 or 17 years old and not enrolled in school, you may not be employed:

1. In manufacturing more than 10 hours per day, nor more than 48 hours more week.
2. In manual or mechanical labor, more than 10-1/4 hours per day, nor more than 54 hours per week.
3. Night work is restricted to no more than 8 hours per shift and 48 hours per week.

(Where a minor is employed in the same day or week by more than one employer in manual or mechanical labor, the total time of employment shall not exceed the allowed per day or week in a single employment.)

IV. PERMITTED OCCUPATIONS FOR 14 AND 15 YEAR-OLD MINORS IN RETAIL, FOOD SERVICE AND GASOLINE SERVICE ESTABLISHMENTS

1. Office and clerical work, including operation of office machines.
2. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
3. Price marking and tagging by hand or by machine, assembling orders, packing and shoveling.
4. Bagging and carrying out customers' orders.
5. Errand and delivery work by foot, bicycle, and public transport.
6. Cleanup work, including the use of vacuum cleaners and non-commercial floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters.
7. Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as a dishwasher, toasters, dumb waiters, popcorn poppers, and milkshake blenders.
8. Work in connection with cars and trucks, if confined to the following:
9. Dispensing gas or oil.
10. Courtesy services on the premises of the gasoline service station.
11. Hand car cleaning, washing, polishing.
12. Other occupations permitted by this section.

BUT NOT INCLUDING WORK:

Involving the use of pits, racks, or lifting apparatus, or involving the inflation any tire mounted on a rim equipped with a removable retaining ring.

Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

V. PROHIBITED OCCUPATIONS FOR 14 AND 15 YEAR-OLD MINORS

1. Any MANUFACTURING occupation.
2. Any MINING occupation.
3. PROCESSING occupations, such as filleting of fish, dressing poultry, cracking nuts or laundering as performed by commercial laundries and dry cleaning.
4. Occupations requiring the performance of any duties in WORKROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED OR OTHERWISE PROCESSED.
5. PUBLIC MESSENGER SERVICE.

6. OPERATION OR TENDING OF HOISTING APPARATUS or of ANY POWER DRIVEN MACHINERY (other than office machines in retail, food service, and gasoline service establishments which are specified in the foregoing list as machines which such minors may operate in such establishments).
7. ANY OCCUPATIONS FOUND AND DECLARED TO BE HAZARDOUS.
8. OCCUPATIONS IN CONNECTION WITH:
9. TRANSPORTATION of persons or property by rail, highway air, on water, pipeline, or other means.
10. WAREHOUSING and STORAGE.
11. COMMUNICATIONS and PUBLIC UTILITIES.
12. CONSTRUCTION (including repair).
13. (EXCEPT office and sales work in connection with a, b, c, and d, when not performed at the site of the above.)
14. ANY OF THE FOLLOWING OCCUPATIONS, even in retail, food service, or gasoline service establishments:
 - a) Work performed IN or ABOUT BOILER or ENGINE ROOMS.
 - b) Work in connection with MAINTENANCE or REPAIR of the ESTABLISHMENT, MACHINES, or EQUIPMENT.
 - c) OUTSIDE WINDOW WASHING that involves working from window sills.
 - d) ALL WORK requiring the use of LADDERS, SCAFFOLDS, or their substitutes.
 - e) COOKING (EXCEPT at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and BAKING.
 - f) Occupations which involve OPERATING, SETTING UP, ADJUSTING, CLEANING, OILING OR REPAIRING power-driven FOOD SLICERS and GRINDERS, FOOD CHOPPERS and CUTTERS, and BAKERY-TYPE MIXERS.
 - g) Work in FREEZERS and MEAT COOLERS and all work in PREPERATION OF MEATS for sale (EXCEPT wrapping, sealing, labeling, weighing, pricing and stocking, when performed in other areas).
 - h) LOADING and UNLOADING GOODS to and from trucks, railroad cars, or conveyors.
 - i) All occupation in WAREHOUSES.
 - j) Occupations involving INDUSTRIAL HOMEWORK.
 - k) Any of the occupations prohibited for minors under the age of 18.

VI. PROHIBITED HAZARDOUS OCCUPATIONS FOR ALL MINORS UNDER THE AGE OF 18 YEARS

1. Manufacturing and storing explosives.
2. Motor vehicle driving and outside helper.
3. Coal mining.
4. Logging and sawmilling.
5. Power-driven woodworking machines.
6. Exposure to radioactive substances.
7. Power-driven hoisting apparatus.
8. Power-driven metal-forming, punching, and shearing machines.
9. Mining, other than coal mining.
10. Slaughtering, or meat packing, processing, or rendering.
11. Power-driven bakery machines.
12. Power-driven paper-products machines.
13. Manufacturing brick, tile, and kindred products.
14. Power-driven circular saws, band saws, and guillotine shears.
15. Wrecking, demolition, and ship breaking operations.
16. Roofing operations.
17. Excavation operations.

POSTING

Employers must, at the beginning of the work week, post in a conspicuous place the minor's daily work schedule of starting and stopping work, with daily meal times and the maximum number of hours any youth is permitted to work in one day. A list by name of the employees, stating in which shift each is employed, must be kept on file for inspection by officers charged with the enforcement of this law.

PENALTIES

Employees who violate the child labor provisions or any regulation issued under them may be subject to a civil money penalty of up to \$10,000 for each violation. In addition, New Hampshire employers or the employer's insurance carrier would be liable for twice the amount of the workers' compensation.

EMPLOYER'S CHECK LIST FOR CHILD LABOR LAWS

- Youth Employment Certificate for minors under the age of 16. _____
- Proof of age. _____
- Restrictions in time and hours of work. _____
- Permitted occupations for minors under the age of 16. _____
- Prohibited hazardous occupations for all minors under the age of 18. _____
- Posting of the minor's daily work schedule. _____

To avoid penalties under the federal and /or state child labor laws, make sure your employment of minors meets all the requirements listed.

Federal and state child labor laws generally prohibit minors from working excessive hours, operating unsafe machinery, and working in dangerous occupations. These laws were adopted to protect children. Unfortunately, they are often violated. Despite intensive enforcement efforts by government investigative agencies, effective child labor laws depend on the good-faith cooperation of hiring establishments. You can help by being part of the solution – not the problem. A healthier, better educated, more promising younger generation will be your contribution to the future.